

**JPMorganChase**

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**MEMO ENDORSED**

August 5, 2008

Via facsimile (212) 805-6326

The Honorable Colleen McMahon  
United States District Judge  
Southern District of New York  
United States Courthouse  
500 Pearl Street  
New York, New York 10007

8/5/08  
The Court will decide the  
motion on the papers submitted  
with that reference to any sur-reply  
papers.

*Colleen McMahon*

Re: Susan Pinsky v. JP Morgan Chase & Co.  
(U.S. Dist. Ct., S.D.N.Y., 07 Civ. 1328 (CM) (HP))

Your Honor:

I have received a copy of the August 1, 2008 letter to Your Honor from Plaintiff's counsel regarding the photographs previously submitted by Plaintiff in opposition to Defendant's motion for summary judgment in the above-entitled action. Counsel's letter should be rejected because it is an unauthorized sur-reply and because it asserts facts of which the writer admittedly has no personal knowledge.

Should the Court choose to consider Plaintiff's submission, whether in letter or affidavit form, Defendant respectfully requests permission to submit its own brief sur-reply to address the point raised by Plaintiff and also to submit product information regarding the adjustability of the chair that we did not receive until after submission of Defendant's reply papers.

Respectfully,

*Frederic L. Lieberman*

FLL

cc: The Honorable Henry Pitman  
Arthur Z. Schwartz, Esq. (via facsimile)

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